



Work to Trees in the Park Policy

This policy has been adopted by Highfield Park Trust

Date Ratified: July 2018

Review Date: May 2019

Signed: T Abbott

Position: Chair of Trustees



Work to Trees in the Park Policy

The trees in Highfield Park form an essential part of the park's character. The Trust wants to ensure that the trees and woodlands within it are adequately protected, maintained and supported by new planting so that their extent, quality, biological diversity and contribution to the character and appearance of the park can be sustained and enriched for the benefit and enjoyment of residents, visitors and future generations.

In order to allow the park to develop, the Trust has a minimal intervention policy with regard to pruning trees. However, the Trust is mindful that trees can also cause a nuisance to neighbours when they start encroaching onto their side of the boundary.

Many of the trees within Highfield Park are subject to Tree Preservation Orders and therefore the Trust must seek permission from the Council before carrying out any form of tree work on these trees. However, the Trust will carry out work if there is a Health & Safety issue relating to a tree.

The Trust will be sympathetic to requests for tree work and will assist in TPO applications if appropriate, but the Trust will not fund non-essential tree work.

The Trust reserves the right to appoint an approved tree surgeon for work to the Trust's trees.

Guidance Notes

Tree Preservation Orders (TPO)

Tree Preservation Orders in general make it an offence to cut down, top, lop, uproot, wilfully damage or destroy a tree without St Albans District Council's written permission. The Council can refuse permission for TPO works, although there is a right of appeal which must be made to the Planning Inspectorate within 28 days of the Council's refusal decision. The maximum fine for the wilful destruction of a TPO tree is £20,000 and wilful damage carries the maximum fine of £2,000 per tree. Further information regarding Tree Preservation Orders can be obtained from the Council's Tree and Woodlands Section.

Establishing ownership of trees

The tree belongs to the person upon whose land it has originally grown. Even if its branches or its roots have begun to grow over or into a neighbour's territory, it belongs to the landowner where the tree was originally planted. For trees that straddle a boundary, the general rule of thumb is that ownership rests with whoever has the greatest proportion of a tree's trunk footprint on their side of the boundary. If in doubt, ownership may be shared. Even if the tree bears fruit or flowers on branches which overhang into a neighbour's land, it is an offence under the Theft Act 1968 to pick and keep the fruit, for example.

Overhanging branches

If the branches of a neighbour's tree start to grow over to your side, you can cut them back to the boundary point between you and your neighbour's property. However, before you undertake works to any trees, it is important to check the trees are not covered by a TPO. The tree owner's permission is required if the work requires access to their land. The branches and any fruit on them, which you may have cut down on your side, still belong to the tree owner, so they can ask you to return them. Alternatively, you can return them and ask your neighbour to dispose of them themselves should you wish to do so.

What might seem a bit of a strange anomaly, however, is that even though any leaves from your neighbour's tree may fall into your garden in autumn, you have no right to ask them to come around and sweep them up.

Tree roots

The perceived threat of damage by tree roots is one of the biggest concerns people have about trees and much of this concern is unwarranted because the houses on the Highfield estates were built with regard to the trees existing within Highfield Park. However, you are entitled to dig up and remove any roots that have encroached upon your land but permission must be obtained from the Council if the tree is protected by a TPO. Please note however that root cutting can render a tree unstable and you could be liable if your actions lead to a tree falling over.

Roots can be found in drains (often as a result of an existing leak). The solution is usually to rebuild the drain or to have it re-lined. Simply removing the tree may not solve the problem as roots from other nearby vegetation could enter the affected drains, also causing a blockage.

Tree roots can expand with age and lift paving slabs and the surface of tarmac areas causing them to become uneven and unsafe. Repairs can involve re-laying paving at a higher level or in some cases include root pruning, although the latter cannot include large anchor roots.

Honeydew Deposits

Aphids feeding on tree species such as Lime and Sycamore exude a mild sticky sugar solution known as "honeydew". This is a seasonal problem which unfortunately cannot be solved by pruning or spraying with insecticides.

Trees and light

Technically a neighbour only has a duty to ensure their trees are safe and not causing damage to other persons' property. There is no absolute right to light across a neighbour's land. Shading of

gardens is unlikely to be an infringement of a right to light, unless the trees are evergreen and a 'High Hedge' complaint against the owner is upheld by the Council.

Television and satellite reception

There is no legal right to television reception. Existing trees on neighbouring land that interfere with television reception, especially with satellite transmissions, are unlikely to be regarded as a nuisance in law.

Trees obstructing views

There is no right in law to a view and a view obstructed by trees cannot be legally regarded as a nuisance.

Trees and construction

New development may affect trees on adjoining land as well as the development. Planning authorities frequently require tree surveys to be submitted as part of an application for new buildings or other development. Prior to any design work a survey to BS 5837 'Trees in Relation to Construction' will identify trees that should be retained and those of little or no value. The design of the building, its location and foundations can then take into account trees to be retained.